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09/609,250	06/30/2000	Tsuguhiro Korenaga	33216M050	2081

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EXAMINER

VARGOT, MATHIEU D

ART UNIT PAPER NUMBER

1732

DATE MAILED: 03/13/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/609,250

Applicant(s)

KORENAGA et al.

Examiner

M. VAR60T

Group Art Unit

1732

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 2/26/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-3 + 5-18 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-3 + 5-18 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 15
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18, it should be clearly specified that the material of the mold is that of the transcription face--ie, the stamper which actually molds the base material. Also, it would appear that the temperatures should be in units of degrees C.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7, 10 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Greschner et al (see col. 4, lines 3-7 and the Examples) in view of either of Kandachi et al (see col. 3, lines 56-58) or Yanagisawa et al (see col. 5, lines 34-36 and the linear thermal expansion coefficients given for the glasses).

The claims are rejected essentially for reasons of record with these additional comments.

Applicant has amended independent claim 1 and added new independent claim 18 to contain a recitation that the difference between the thermal expansion coefficients of the mold and molded material is greater than or equal to $50 \times 10^{-7}/\text{deg C}$. Greschner et al discloses that the thermal expansion coefficient for the mold material silicon is 30×10^{-7} and teaches in the examples that

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this mold material is used to stamp a soda-lime-glass substrate. The secondary references are applied to show that the thermal expansion coefficient for soda-lime-glass is greater than 82×10^{-7} (see Yanagisawa et al) and as high as 95×10^{-7} (see Kandachi et al). Based on these known industrial values for soda-lime-glass, it can be seen that the difference between the thermal expansion coefficients of the mold (silicon) and material molded (soda-lime-glass) in Greschner et al satisfies the newly added recitation and hence the claims remain rejected. Even though multiple references are being applied, the secondary references merely supply a numerical value for the thermal expansion coefficient of the soda-lime-glass substrate molded in the primary reference. Hence, it is submitted that anticipation is still a proper grounds of rejection for these claims.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Greschner et al in view of either of Kandachi et al or Yanagisawa et al, either alone, or further in view of European Patent Application 860,720.

Note that claims 1-3, 5, 7, 10 and 18 have been rejected under 103 in the event that the 102 rejection is not agreed with. While it is apparently an industry standard that soda-lime-glass has a coefficient of thermal expansion greater than $80 \times 10^{-7}/\text{deg C}$, it is noted that these coefficients

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can vary to some extent. In the event that the thermal expansion coefficient of the soda-lime-glass used in Greschner et al is slightly less than $80 \exp (-7)/\text{deg C}$, then the instant claims would have been obvious over the art as applied. While Greschner et al may want the thermal expansion coefficients to be as close as possible, it is also well known in the art that there needs to be some amount of difference so the mold will separate from the article upon cooling. If there were no difference, the separation would hardly occur. European -720 (see page 19, lines 30-41) shows this and hence provides a showing that the difference should be $7 - 40 \exp (-7)/\text{deg C}$, with an upper limit of $70 \exp (-7)/\text{deg C}$. Hence, one of ordinary skill in the art would recognize that the thermal expansion coefficients should not be the same.

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's statement that Greschner et al desires the difference in thermal expansion coefficients to be zero is submitted to be incorrect. The language "preferably correspond" does not necessarily mean "be equal to" as interpreted by applicant. Also, in view of European Patent -720, it is submitted that the instant recitation with respect to the difference in thermal expansion coefficients is already known in the art.


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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Vargot whose telephone number is 703 308-2621.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

M. Vargot

March 8, 2003


MATHIEU D. VARGOT
PRIMARY EXAMINER
GROUP 1300

3/8/03